

DISCUSSION

Upon entry of the present amendment, Claims 1-5 and 7-22 remain in the application, of which, claims 1, 10, 17, 18, 19, 20, and 22 are independent. Applicant has amended dependent claims 7 and 10, and also introduces new dependent claim 23 by the present amendment.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested, for reasons which will be outlined hereinbelow.

The abstract has been amended to delete references to "the invention", as requested by the Examiner. Claims 7, 10 and 14, respectively, have been amended to end in a period. The claims have been re-numbered with the understanding that Amendment B was received before Amendment A.

Section 103 issues

In the above-identified Office Action, the Examiner rejected claims 1, 3 and 4 as unpatentable over Doshi in view of Hurst.

Applicant has amended claim 1 to specify that the at least one wall comprises a flexible fabric material. Applicant has canceled claim 6 to avoid redundancy. It is submitted that this amendment overcomes the rejection based on Doshi and Hurst.

Also in the above-identified Office Action, the Examiner rejected claims 1, 3, 4-7 and 10-15 under 35 USC 103(a) as unpatentable over Anderson '777, in view of Vickers '247.

Applicant traverses this ground of rejection and respectfully submits that the Anderson and Vickers references are not properly combinable, and that even if these references were combined, the combination would not teach applicant's claimed invention.

Moreover, claim 4 has been amended by the present amendment to specify that the lining material is substantially uncovered and open to air inside the enclosure. New claim 23 has also been added by the present amendment. Claim 23 depends from claim 1, and also includes the limitation that the lining material is substantially uncovered and open to air inside the enclosure. No new matter is added by this amendment, since the subject matter thereof is expressly or inherently disclosed by applicant's original specification.

Even if Anderson and Vickers are assumed, for the sake of argument, to be combinable, the Vickers reference teaches a "sandwich" construction, and fails to teach, suggest or disclose a scent-dampening liner which is substantially uncovered and open to air inside the enclosure. The greater exposure to ambient air provided by applicant's structure will result in more effective scent suppression.

Further in the above-identified Office Action, the Examiner also rejected claims 9 and 18-22 under 35 USC 103(a) as unpatentable over Anderson '777, in view of Vickers '247, and further in view of Tsai.

Applicant traverses this ground of rejection and respectfully submits that the Anderson, Vickers and Tsai references are not properly combinable, and that even if these references were combined, the combination would not teach applicant's claimed invention.

Further in the above-identified Office Action, the Examiner also rejected claims 1-7 under 35 U.S.C. 103 as unpatentable over Smith in view of Anderson and Vickers.

Applicant traverses this ground of rejection and respectfully suggests that the Smith, Anderson and Vickers references are not properly combinable, and that even if these references were combined, the combination would not teach applicant's claimed invention.

Still further in the Office Action of March 13, the Examiner rejected claims 1, 3-8 and 18-22 under 35 U.S.C. 103 as unpatentable over Tsai in view of Anderson and Vickers.

Applicant traverses this ground of rejection and respectfully suggests that the Tsai, Anderson and Vickers references are not properly combinable, and that even if these references were combined, the combination would not teach applicant's claimed invention.

Still further in the above-identified Office Action, the Examiner rejected claim 1, 3-7, 9-16 and 18-22 under 35 U.S.C. 103 as unpatentable over Beavers in view of Anderson and Vickers.

Applicant traverses this ground of rejection and respectfully suggests that the Beavers, Anderson and Vickers references are not properly combinable, and that even if these references were combined, the combination would not teach applicant's claimed invention.

Therefore, applicant requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. 103.

The Anderson Reference

Anderson, U.S. patent 6,253,777 discloses a tent having a flame-resistant liner therein. The Anderson reference is classified in class 35, subclass 115, relating to portable shelters. Substituting applicant's scent-dampening liner for the liner of Anderson would remove the ability of the tent to retard flame. Flame-resistance is an important object of Anderson's invention (column 1, lines 55-64.) By using a flame-resistant liner rather than a scent-dampening liner, Anderson teaches away from applicant's claimed invention, and provides evidence of non-obviousness of applicant's invention.

The Vickers Reference

Vickers, U.S. patent 5,678,247 discloses a three-layered article of clothing, in which the center layer is an odor-absorbing sheet containing non-woven synthetic fibers impregnated with activated carbon powdered particles. The Vickers reference is classified in class 2, apparel.

Applicant respectfully submits that Vickers is not analogous art to applicant's claimed invention, and is not properly combinable with references relating to portable shelters, in the absence of a specific teaching, motivation or suggestion to combine.

The Tsai Reference

Tsai, U.S. patent 5,439,018 discloses a pyramid-shaped tent having four sides. The Tsai reference is classified in class 135, subclass 143, relating to portable shelters which include a foldable framework. No mention is made in the Tsai reference of any type of liner for the tent.

The Beavers Reference

Beavers, U.S. patent 3,810,402 discloses a collapsible structure which may be used as a hunting blind. Beavers is classified in class 135, subclass 4 relating to portable shelters.

Further, the collapsible tent of Beavers does not include a liner.

Allowable Subject Matter

Also in the above-identified Office Action, the Examiner indicated that claim 17 would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Claim 17 has been so rewritten.

Applicant stands by the arguments in Amendment A regarding the standard for showing obviousness under Federal Circuit law, and the relevance of secondary considerations. Applicant reiterates for the record that the Ameristep brochure is from one of Applicant's competitors, and shows evidence of copying.

Conclusion

Applicant respectfully suggests that none of the references of record, considered either singly or in any combination, teach applicant's invention, as presently claimed, and that further, skill generally available in the art would not lead a person of ordinary skill to create applicant's claimed invention, using the references of record.

Applicant respectfully suggests that as presently amended, all of the pending claims are allowable.

For all of the above-mentioned reasons, applicant traverses the rejection of applicant's pending claims, and requests reconsideration and withdrawal of the rejection of record, and allowance of all the pending claims.

Respectfully submitted,



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